

MESSAGE NO: 0307302 MESSAGE DATE: 11/03/2010

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: INJ-Injunction PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: PRELIM-Preliminary

FR CITE: FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-588-201

EFFECTIVE DATE: 11/03/2010 COURT CASE #: 06-00334

PERIOD OF REVIEW: 05/01/2008 TO 04/30/2009

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: PRELIMINARY INJUNCTION ON BALL BEARINGS AND PARTS THEREOF FROM JAPAN FOR THE PERIOD 05/01/2008 THROUGH 04/30/2009 FOR NSK LTD. (A-588-201), COURT CASE NUMBER 06-00334

1. ON 09/01/2010, COMMERCE PUBLISHED THE FINAL RESULTS OF REVIEW OF THE ANTIDUMPING DUTY ORDER ON BALL BEARINGS AND PARTS THEREOF FROM JAPAN (75 FR 53661, 09/01/2010). THE REVIEW COVERED MERCHANDISE PRODUCED AND/OR EXPORTED BY VARIOUS PRODUCERS AND EXPORTERS AND THE PERIOD 05/01/2008 THROUGH 04/30/2009. ONE OF THE COMPANIES COVERED BY THE REVIEW WAS NSK LTD. (AKA NIPPON SEIKO K.K. LTD.).
2. ON 09/23/2010, NSK LTD. REQUESTED THAT THE UNITED STATES COURT OF INTERNATIONAL TRADE (CIT) ISSUE A PRELIMINARY INJUNCTION TO PREVENT THE LIQUIDATION OF CERTAIN ENTRIES OF BALL BEARINGS AND PARTS THEREOF FROM JAPAN PRODUCED AND/OR EXPORTED BY NSK LTD. THAT WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 05/01/2008 THROUGH 04/30/2009 (CIT NO. 10-00288).
3. ON 10/15/2010, THE CIT DENIED NSK LTD.'S REQUEST FOR AN INJUNCTION IN CIT NO. 10-00288.
4. ON 10/20/2010, NSK CORPORATION, NSK LTD. AND NSK EUROPE LTD. (COLLECTIVELY, NSK) REQUESTED THAT THE CIT ISSUE A PRELIMINARY INJUNCTION TO PREVENT THE LIQUIDATION OF CERTAIN ENTRIES OF SUBJECT MERCHANDISE PRODUCED AND/OR EXPORTED BY NSK LTD. AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 05/01/2008 THROUGH 04/30/2009 (CIT NO. 06-00334).
5. COMMERCE DID NOT ISSUE LIQUIDATION INSTRUCTIONS FOR SUBJECT MERCHANDISE PRODUCED AND/OR EXPORTED BY NSK LTD. WHILE THE CIT WAS CONSIDERING NSK'S FIRST AND SECOND REQUESTS.
6. ON 10/25/2010, THE CIT ISSUED A PRELIMINARY INJUNCTION ENJOINING LIQUIDATION

OF CERTAIN ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON BALL BEARINGS AND PARTS THEREOF FROM JAPAN (A-588-201) FOR THE PERIOD 05/01/2008 THROUGH 04/30/2009.

7. THIS INJUNCTION WAS ISSUED IN CONNECTION WITH COURT CASE NUMBER 06-00334, CONCERNING A DECISION OF THE INTERNATIONAL TRADE COMMISSION, AND ENJOINS LIQUIDATION OF THE ENTRIES DESCRIBED IN PARAGRAPH #8 BELOW.

8. ACCORDINGLY, UNTIL FURTHER NOTICE, DO NOT LIQUIDATE ENTRIES OF BALL BEARINGS AND PARTS THEREOF WHICH WERE PRODUCED AND/OR EXPORTED BY NSK LTD., IMPORTED BY OR SOLD TO (AS INDICATED ON THE COMMERCIAL INVOICE OR CUSTOMS DOCUMENTATION) NSK CORPORATION OR NSK PRECISION AMERICA, LTD., AND WERE ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD 05/01/2008 THROUGH 04/30/2009. ANY ENTRIES THAT ARE SET FOR LIQUIDATION MUST BE UNSET IMMEDIATELY. CONTINUE TO SUSPEND LIQUIDATION OF THESE ENTRIES UNTIL LIQUIDATION INSTRUCTIONS ARE PROVIDED.

9. LIQUIDATION INSTRUCTIONS FOR ENTRIES AFFECTED BY THIS INJUNCTION HAVE NOT YET BEEN ISSUED.

10. EFFECTIVE IMMEDIATELY, CBP IS INSTRUCTED TO PREVENT LIQUIDATION OF ANY ENTRIES SUBJECT TO THE INJUNCTION DISCUSSED IN PARAGRAPH 8.

11. COMMERCE'S APO DOCKET CENTER WAS SERVED ON 10/27/2010 WITH THE INJUNCTION THE CIT ISSUED ON 10/25/2010. PURSUANT TO THE TERMS OF THE INJUNCTION, NO LIQUIDATION OF THE ENTRIES COVERED BY THE INJUNCTION MAY BE MADE FOR ENTRIES WHICH REMAIN UNLIQUIDATED AS OF 5:00 P.M. EASTERN DAYLIGHT TIME ON THE FIFTH BUSINESS DAY AFTER THE DAY ON WHICH COPIES OF THIS ORDER ARE PERSONALLY SERVED ON COMMERCE'S APO DOCKET CENTER.

12. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O5:BH).

13. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party